

**CAMDEN SELECT BOARD  
Minutes of Meeting  
September 6, 2011**

**PRESENT:** Chairperson Martin Cates, Vice Chairperson Morgan Laidlaw, John French, Jr., James Heard, Donald White, Town Manager Roberta Smith, and Town Attorney William Kelly. Also present were members of the press and public

***Contents***

**1. Public input on non-agenda items.**

- a. Board member Laidlaw reported that he attended the Windjammer Festival over the past week and it appeared to be a very successful event once again and thank everyone involved in putting this great venue together.

**2. Introduction of Connecticut Water President Eric Thornburg by Judy Wallingford, President of Aqua Maine.** Judy Wallingford, President of Aqua Maine started by announcing that Connecticut Maine Water has submitted an application with the Maine Public Utilities Commission to purchase Aqua Maine. This transaction will provide for the return of Aqua Maine's parent organization to New England. Aqua Maine will be a significant part of a New England water utility with financial and operational strength. The new company name will be Maine Water. All Aqua Maine employees including herself will remain and continue to serve the Maine customers. This acquisition will also not impact the rates or services of the customers of Aqua Maine. She then introduced the Connecticut Water President Eric Thornburg.

**3. Introduction of William Shuttleworth, new Superintendent of Schools.** Mr. Shuttleworth introduced himself as the new Superintendent of School for the Five Town CSD/MSAD 28. He spoke to several key issues relevant to school funding, school enrollment and very specific goals for the school year. He believes it is very important for him to have a strong and collaborative relationship between the Select Board and looks forward to working with all of them. The Camden Select Board welcomed Mr. Shuttleworth to the community.

Chairperson Cates read the rules and regulations for conducting public hearings in preparation of the public hearings to be held this evening.

**4. Public Hearing for proposed amendment to the Camden Zoning Ordinance to replace current Article XIII Historic Resources Committee with new Article XIII, Historic Ordinance.**

Planning Board member Dick Householder presented the proposed Historic Ordinance amendment to the Select Board. He gave a brief history of the many hearings, reviews and discussions the Planning Board has conducted over the past year and a half. Mr. Householder recapped the Public Hearings held where the Planning Board consistently heard of the citizens desire to protect the character of the Town.

Chairperson Cates asked to hear from any opponents or proponents at this time.

David Dickey – owner of 8, 10 & 12 Main Street – feels this new ordinance is too wordy very lengthy. It takes 27 days to get an answer if everything goes okay with the Historic Ordinance Review Committee. Who is going to decide who the Historic Ordinance Review Committee is? The one thing he got from the one hearing he was invited to and attended is one of the new members of this new review committee has to be a licensed architect if not the burden is placed on the property owner to hire a licensed architect. Another layer of bureaucracy that is not needed. He was told this ordinance was to protect the town. The store merchants (downtown area) already pay the biggest taxes in town and this is too much regulation.

Anita Brosius-Scott – 21 Ames Terrace – informed the Board she had difficulty in locating the agendas on the website today. She looked in both places and could not find it. The Board needs to be more proactive in letting residents know about proposed ordinances and public hearings.

Dave Jackson – Rockport resident allowed to speak – the library amphitheater went through the same scenario about 6-8 years ago and after going back to the drawing board several times and the Camden Public Library and Amphitheater received in 2005 a Preserve America Presidential Award from Washington DC. This is a great honor and he feels the Historic Resources Committee should make its best effort to make this work.

Meg Quijano– downtown property owner of Smiling Cow – feels there is a lot of value in the proposed ordinance and appreciates the Planning Board's time they have invested in this project. We all want the same thing and she honestly feels they have done a good job. However, perhaps the Select Board should table this item and invite business owners to work with Planning Board to come up with an ordinance that works for everyone.

Stuart Smith –downtown property owner Lord Camden Inn - He appreciates the concept of protecting an image, but he has many concerns about this draft: there are many nebulous definitions and terms that aren't defined such as "material change to the appearance". The Board needs to define the problem before they can find the answer. He wants the appearance of buildings to mesh, but he is frustrated to find the proposed solution is one more layer of bureaucracy on the businesses in Town. He thinks the creation of a new Commission is a mistake. The Town doesn't need another board to do the Planning Board's business of review – make the changes part of the Zoning Ordinance and give the responsibility to the Planning Board.

David Dickey spoke again and stated at the first meeting he suggested taking the buildings in the Fire District out of the ordinance – they are already protected and they don't need to be there.

Kit Parker – High Street resident- stated she is the current Chair of the Historic Resources Committee and worked on this Ordinance. She defended the Committee's procedure in drafting this Ordinance and really feels it can make Camden a place to come to because of its historic reputation. She informed the Board the Amphitheatre is applying for recognition as a National Historic Landmark – that is a very significant acknowledgement that puts the park in the same league as the Grand Canyon and other such places. People travel

specifically to see these places, and they will come here and see that the setting for the Park, the historic downtown, is important as well.

She does not think the Ordinance will prevent people from doing what most of them want to do. She hopes the Select Board will send this to the town vote so more people can become informed about the Ordinance.

Robert Williams -10 Willow Street resident – would these restrictions apply to a private residence in the downtown area who wants to perhaps demolish their home or will this just apply to downtown businesses? Householder replied that private properties can be governed by this ordinance only if the applicant wants to do that and presents it to the Select Board for their approval.

Donald Gross -35 Ragged Mountain Road resident – Downtown Camden does not all look like it did 40 years ago. He questions whether we need an ordinance of this manner at this point and time without a lot of input from other people who own the properties. As a community we seem to have managed to make a lot of excellent decisions in order to preserve the appearance for ourselves and for those people who visit from away.

Matthew Orne 24 High Street resident and owner of Thomas Michaels Jewelry on Elm Street – he is pretty confident if his business had applied before the proposed Commission his application would have been thrown out. He questions the need for another committee to dictate what can be done with other properties.

Susan Snead -14 Union Street resident – stated she has been involved with the Historic Resources Committee for many years and believes the historic character is *the* major economic asset in Town – this is what sets us aside from our neighbors. She has a friend who is a tour guide for the National Trust and the tours that come to Camden love the historic character. The fact that the townspeople living here after the Great Fire put the town back together the way they did is a testament to them and a real achievement, and now the buildings themselves are a great teaching tool for that period in Camden's history. There is a longstanding history of townspeople being involved in keeping the Town looking the way it does and this is the next step to take to ensure it continues.

Planning Board member Household stated when there was a lot of discussion of the reshaping of Harbor Park there was a lot of opposition but the Select Board left it to the town citizens to vote on it and he hopes they make the same decision on this proposed ordinance amendment.

Chairperson Cates closed the public portion of the hearing, and Board discussion followed:

Board member Donald White stated he feels we are missing on an opportunity because they haven't shared their thoughts with a bigger audience. If we don't move this forward then are we missing an opportunity to protect what we have in our community for future generations.

Board member Morgan Laidlaw stated from the comments he has heard this evening that say the downtown looks as good or better than it ever has. He thinks what we have is

wonderful, it's been here, and we've done a great job in preserving it without an ordinance so he is against bringing this forward.

Board member French stated he has lived here since the 60's. He has seen a lot of changes and most places have been taken down or improved for the better without the extra costs for protection. He does not see the need for this and thinks it should be put away.

Board member James Heard stated he would typically be in favor of these types of ordinances going forward to the voters but thinks this needs to go to more than downtown business owners so people know what they are voting on. He feels perhaps this should be tabled until June town vote.

Board member Martin Cates personally thanked Mr. Householder and the Planning Board for their efforts in this process. Having served on several committees he knows how frustrating of a process this can be in seeking public opinion and waiting only until the last minute at almost completion of some sort and then receiving comments you wished you had received in the beginning. In that end he is opposed because he does not think this is the right time. He would like to see people step up who are business owners in town and extend an effort to work with the Planning Board. He does not agree with the language going forward as it is right now. Personally at some point we do need something but not in this form.

*John French made to not move this question on the November 8, 2011 Special Town Meeting warrant. Morgan Laidlaw seconded this motion.*

*Donald White made a motion to amend the motion to direct the Planning Board to create a larger committee and come back to the Select Board in 90-120 days with results. James Heard seconded this motion. The motion failed on a 2-3-0 vote. (French, Cates, and Laidlaw opposed).*

*The vote on original motion was not to move forward to the November 8, 2011 Special Town Meeting Vote. The vote was 4-1-0 (White opposed)*

**5. Public Hearings regarding the following:**

- a. **Proposed Fire Department's capital improvement purchase for new fire apparatus and proposed funding for the purchase.**

Fire Chief Chris Farley stated the town's capital improvement plan calls for a replacement engine in FY12. The fire department has had a committee working on this since January 2010. Last week the budget committee voted 16-3-0 to move forward with this purchase and the Select Board voted two weeks ago 5-0-0 to move forward with this purchase.

Town Manager Roberta Smith commented that if the fire truck is approved in November the truck will be ordered with a \$110,000 down payment using the current Fire Equipment Reserves. Anticipated delivery is September 2012 if ordered in November 2011. The balance of the purchase will be financed with a lease purchase agreement with Oshkosh Capital, in order to take advantage of the

discount. The first payment on the lease will be due 1 year after the lease is signed and the payment will fall in the FY13 fiscal year budget.

Chairperson Cates asked to hear from any proponents, opponents or comments.

Anita Brosius-Scott – 21 Ames Terrace – inquired whether or not any effort was made in purchasing used fire apparatus.

Chief Farley stated they did not look at a used truck for a number of reasons but typically fire departments have fire trucks in their inventory for 20 years and they usually do not have any useful life left.

Brosius-Scott commented this is a huge expense and we do buy a lot of equipment that is needed for public safety and she appreciates that need. We buy brand new police cruises regularly. However, she would like to request that the Select Board make an effort to find out if there is anything out there that suits our needs and can be acquired at a lesser price. There are a lot of towns that are hurting and there may be a town that bought a truck and realized that they can't afford it and need to sell it because they need to use the money for something else. She would like an effort made to find a less expensive approach before this decision is made final.

Susan Dorr – 17 Mill Street resident and new Vice-Chair of Budget Committee; stated part of what we really treasure in town is the quality of the fire protection we have and how it impacts all of us as homeowners with our insurance payments. She thinks there is an equation that shows that if we were we to diminish our firefighting protection the impact as homeowners would be that we would be paying more in homeowners insurance as opposed to a little bit more in our property taxes. She herself feels very grateful to have the level of fire protection that we have in Camden and the caliber of firefighting we have in town.

Chief Farley stated occasionally we do get pamphlets on used trucks and he does consider them all and if he thought there was something in them that was worthwhile he would be here talking about a used vehicle. It's not easy to ask for \$500,000 for a fire truck. As Ms. Dorr alluded to we do have to maintain our ISO rating in the downtown area with a 4 and outside of the downtown area it is a 9. Any change in that from a 4 to a 5 means significant increases in your homeowners fire protection policies and by that he means hundreds of dollars more of an impact than what would show on your tax bill.

Chairperson closed the public portion of the hearing, and opened the discussion to the Board.

Board member White stated he has had the privilege of serving on the truck committee for a few meetings and he thinks the efforts made and negotiations that have gone forward both in equipment and how we are going to finance it is absolutely phenomenal. This new fire truck will do everything we want it to do and it will replace two trucks and he is totally in favor of it.

Rest of Board members echoed Don White's comments and supports the purchase of this truck. It makes economical sense to replace two trucks with one and blessed with some very good people who work in our public safety.

*John French made a motion to move the fire truck question to the November 8, 2011 Special Town Meeting Ballot. Donald White seconded this motion. The motion passed on a 5-0-0 vote.*

**b. Proposed lease of Chamber of Commerce building to the Penobscot Bay Regional Chamber of Commerce for a twenty year period.**

Dan Bookham, Executive Director of the Camden Office of the Penobscot Bay Chamber of Commerce. They are very fortunate to have a home on the Camden Public Landing for one of their major operations. The Public Landing serves as home of the Harbormaster, Public Restrooms, and home of the Chamber Information Center for the northern end of Knox County. In return for that support they are requesting a renewal 20 year lease.

They provide the following services:

- Operate the visitor information center for the region 12 months out of the year
- Serve as a distribution point for state and federal documents and information
- Work with existing and potential employers and businesses to ensure that they can stay, expand or locate in Camden or within the region
- Provide members to the community and economic advisory committee, paring committee, and provides support and materials for other town committees as needed
- Work with the Camden Development Office on grant proposals, business attraction, and other projects
- Currently offers \$25,000 of in kind support for the Windjammer Festival
- Sponsors and fundraises for Christmas by the Sea
- Fundraises for the July Festivities, and other fireworks and events.
- Funds and welcomes operations for cruise ships calling on Camden or calling on Rockland and bussing passengers to Camden
- Facilitates communication between the Town of Camden and the business community
- Work with the Maine Coast Economic Alliance formerly KWRED in support of economic and development in the region
- Work with state and federal delegations on behalf of Camden and the region as a whole
- Encourage support and promote new events in the Camden area
- Support established existing events such as Toboggan Nationals and Winterfest
- Also exploring assuming responsibility and fundraising and scheduling shuttle buses to relieve pressure on downtown and mountain during the Toboggan Nationals

- Launching a new historic self guided walking tour using the new technology of quick response codes and a series of websites to link to those codes in time for Pop!Tech
- Signs, plaques and websites are being paid for by the Chamber with unique collaboration of Historic Resources Committee funding the copyrighting of those but we will provide the hosting of the website in the next stage of technology
- Extensively promote projects presentations and events at town owned properties such as Camden Snow Bowl and Camden Opera House
- Assisting in the fundraising for the Ragged Mountain Redevelopment Project
- Provide Chamber memberships with a value of over \$1100 to the Town of Camden, Camden Public Library, Camden Snow Bowl, and Camden Opera House
- Promote Camden as a destination to live, work and play to people around the world

They are very grateful for having a roof over their heads being provided by the taxpayers of Camden. They hope to continue for another two decades in that same location.

Chairperson Cates opened the hearing for proponents and opponents. There was none.

Chairperson Cates closed the public portion; all Board members were in support of renewing the Chamber lease.

*John French made a motion to move the lease agreement question for the Chamber of Commerce to the November 8, 2011 Special Town Meeting Ballot. Morgan Laidlaw seconded this motion. The motion passed on a 5-0-0 vote.*

- c. Proposed Model Property Assessed Clean Energy (PACE) Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties, financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program.**

This is a three part program in terms of community responsibility. First is the town needs to pass the Ordinance that enables the town taxpayers to participate, second is if the town wishes Efficiency Maine to administer then they need to sign a contract and agreement with them, and third is education which is the community's responsibility to educate people about the availability of these loans. The loans range from \$6,500 to \$15,000 and they are at 4.99 % and they function like a home improvement loan and are recorded at the registry as a lien. If the home is sold before 15 years the loan is assumable by purchaser so buyer is able to take advantage of loan.

Chairperson asked to hear from any proponents or opponents.

Brian Robinson, Anita Brosius-Scott, and Beedy Parker spoke in favor of this new proposed PACE Ordinance being offered by Efficiency Maine. This is a good opportunity to help increase property values and help residents to afford to live with more energy efficient homes.

Chairperson Cates closed the public portion of the hearing.

All of the Board members were in support of this program and felt it would very beneficial to the community.

*John French made a motion to move the PACE Ordinance question to the November 8, 2011 Special Town Meeting Warrant. Morgan Laidlaw seconded this motion. The motion passed on a 5-0-0 vote.*

**d. Consideration of release of the town's rights for Tax Map 120 Lot 296, property of Rebecca Conrad regarding the encroachment of a portion of a building footprint that has existed more than 40 years.**

Town Attorney explained that this is for 3,500 square feet of a building footprint for a portion of the improved property of the estate of Rebecca Gene Conrad. The top left corner of the grey area on the survey denotes the public landing. The question is going to be whether or not the town wishes to release its right title and interest to a triangular portion of the improved property of the estate of Rebecca Gene Conrad. This will be a benefit to this property that Ms. Conrad did own for over 45 years. There is a statute that provides that when improved property (long time buildings and fences statute) encroaches onto public landing and been in that location 40 years or more than the improvement becomes the deemed boundary of the property. This came up at the Select Board level and it was his opinion that this is a title problem that needs to be fixed both for the town and for the Conrad estate. The vehicle to do that is through a Municipal Quitclaim Deed. The voters will be asked to authorize release of all right title and interest that the town has in this triangular piece that juts into the town property. It juts into the town property by about 6 ½ feet and then goes along the town property for about 10 feet back to the Conrad property.

John Conrad – son of Rebecca Gene Conrad- and a representative of the estate. He wanted to reiterate that his parents bought the property in 1969 and they built a 3 story addition on the rear of the building. It's the corner of that addition that juts into the town property. The warranty deed from 1969 that said the southern boundary line was 66 feet long and that deed was preceded by another warranty deed that had that same boundary line. The summer of August 2010 the town had survey done by Gartley & Dorsky and through that survey the southern boundary of 66 feet was deemed to be in error and was 55 feet. Previous deeds prior to 1948 reflected 55 feet. He does not know how the error happened but he wanted to reference that his parents built this in good faith, paid taxes for 42 years in good faith; they maintained the rear of the property in good faith. The town GIS map still says 66 feet. He hopes the Select Board will vote in favor of moving this forward to correct the property boundary.



Chairperson asked to hear from any opponents, proponents or questions. There were none.

Chairperson closed the public portion of the hearing, no Board discussion followed.

*John French made a motion to move the release of the town's rights question to the November 8, 2011 Town Meeting Warrant. Donald White seconded this motion. The motion passed on a 5-0-0 vote.*

The public hearings held in the Opera House Auditorium concluded at 9:05 pm and the remainder of the meeting was moved to the Washington Street Conference Room.

**6. Approval of Board minutes from August 2, 2011 and August 16, 2011.**

*Donald White made a motion to approve the Select Board minutes from August 2, 2011 and August 16, 2011 as written. John French seconded this motion. The motion passed on a 5-0-0 vote.*

**7. Approval of closing the parking lot at the Public Safety Building during election hours on Tuesday, November 8, 2011:** Manager Smith stated this allows parking for election workers and voters.

*Donald White made a motion to close the parking lot to general parking on November 8<sup>th</sup>. John French seconded this motion. The motion passed on a 5-0-0 vote.*

**8. Consideration of the Agreement with Stephen Blatt Architects for the final design of the Ski Lodge at the Camden Snow Bowl and Memorandum of Agreement and Guarantee of Payment with Ragged Mountain Recreation Area Foundation.** Town Attorney Kelly stated this agreement replaces the first one that was approved last year. The first contract did not go beyond the schematic phase. There will be a clerk of the works for this project who will be employed by the town and paid for by the Ragged Mountain Foundation. The Clerks of Works is very important piece of the project they are responsible for overseeing the day to day activities and on site on the project every day. It is also important to note this contract will not go forward if the Ragged Mountain Recreation Redevelopment Committee does have funding in place to move forward.

*John French made a motion to approve the proposed revised architectural services agreement with Stephen Blatt Architects and memorandum of agreement with RMRAF and to authorize the Town Manager to execute the agreement on the Town's behalf. Morgan Laidlaw seconded this motion. The motion passed on a 5-0-0 vote.*

**9. Bid award for vehicle exhaust removal system at the Public Safety Building.** Manager Smith reported the FY12 Budget includes \$50,000 for the installation of a vehicle exhaust removal system at the Public Safety Building. The Aire-Deb Corp bid lists an option for a diesel exhaust filter in the amount of \$1,700. Since this filter is included in our mandatory specifications, you would need to add \$1,700 to their bid. The filter is included in the Air Cleaning Specialists of New England bid, making them the low-bidder for the Pneumatics system. She concurs with the Fire Chief's recommendation.

*John French made a motion to award the bid for the vehicle exhaust removal system at the Public Safety Building to Air Cleaning Specialists of New England for the Pneumatics system in the amount of \$46,181. Morgan Laidlaw seconded this motion. The motion passed on a 5-0-0 vote.*

**10. Approval of Tax Anticipation borrowing with Camden National Bank.** As the tax due deadline of November 1<sup>st</sup> draws near, the town cash reserves, as always, decline. In anticipation of needing some short term borrowing, the town has obtained a quote from Camden National Bank and has asked the town's Bond Counsel to prepare the associated documents. The proposal is for a \$1,500,000 line-of-credit type note through June 30, 2012 at 1.9%. We only draw on the note as needed and repay any amounts borrowed as soon as possible.

*Donald White made the following motion voted by the Select Board for the Town of Camden, Maine as follows:*

- (1) That under and pursuant to Title 30-A, Section 5771 of the Maine Revised Statutes, as amended and supplemented, there be and hereby is authorized the issuance of \$1,500,000 principal amount of a tax anticipation note of the Town in anticipation of the receipt of taxes for the municipal fiscal year which commenced July 1, 2011 and ends June 30, 2012.*
- (2) Said Note shall be dated September 12, 2011, shall mature on a date not later than June 29, 2012, shall be signed by the Treasurer and countersigned by the Chair of the Select Board, shall bear interest at the rate of 1.90% per annum, shall be payable at Camden National Bank in Camden, Maine, and otherwise be in such form and bear such details as the signers may determine.*
- (3) Said Note is hereby designated a qualified tax-exempt obligations of the Town for the 20101 calendar year pursuant to the Internal Revenue Code of 1986.*
- (4) That all things heretofore done and all action heretofore taken by the Town, its municipal officers and agents in the authorization of said Note are hereby ratified, approved and confirmed and the Treasurer and Chair are hereby authorized to take any and all action necessary or convenient to carry out the provisions of this voting, including delivering said Note against payment therefor.*

*John French seconded this motion. The motion passed on a 5-0-0 vote.*

**11. Consideration of the proposal from Cordjia for professional services related to the Opera House Retro-commissioning.** Manager Smith stated as the Board may recall, Cordjia completed a retro-commissioning investigation and report on the Opera House, 50% of the cost of which was funded by Efficiency Maine. Efficiency Maine has further committed up to \$10,000 in a 50/50 match for the implementation of the items in the report. The proposal from Cordjia is for the reconfiguration of the steam heating zones in the building, at a cost of \$17,720. This represents the major improvement (to achieve

energy efficiency) identified in the study. The FY12 Budget includes \$10,000 in energy conservation funds.

*John French made a motion to approve the Professional Services Agreement with Cordjia in the amount of \$17,720 for the reconfiguration of the steam heating zones at the Camden Opera House, and to designate FY12 Energy Conservation funds to be used for the 50% local match. Morgan Laidlaw seconded this motion. The motion passed on a 5-0-0 vote.*

## **12. Committee Reports**

- a. Planning Board: Board member White reported at the 8/17/11 meeting they discussed their Sign Campaign” with the goal of making Camden’s Sign Ordinance more business friendly. They are planning a meeting with the Camden Downtown Business Group sometime soon to get their ideas on what changes they have for possible amendments. At the 9/1/11 meeting the Route 105 Boat Ramp project was provisionally approved.
- b. CEDAC: Board member Cates reported he recently attended a joint CEDAC/REDAC Committee in Rockland. They met with Peter of Midcoast Magnet and they discussed a Regional Transportation System. It was a very well attended meeting and a very productive discussion.

## **13. Managers Report**

- c. The Route 105 Bog Bridge Boat Ramp project is underway.

*John French made a motion to adjourn at 9:30 pm. Donald White seconded this motion. The motion passed on a 5-0-0 vote.*

Respectfully submitted,

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Janice L. Esancy  
Recording Secretary